

in a period of morning business and Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### IN HONOR OF CAPTAIN KEVIN BAKKE

Mr. DASCHLE. Mr. President, I come to the floor today to honor a great American and a valued public servant. Captain Kevin Bakke of the South Dakota Highway Patrol has served the people of South Dakota for more than 27 years. In his most recent capacity as the District One Commander in my hometown of Aberdeen, he oversaw all the law enforcement functions of the highway patrol for the northeastern region of South Dakota. His affable style of leadership is respected and well-liked by all those who know him.

During his 27 years as a law enforcement officer, Captain Bakke has served in various posts throughout the State of South Dakota. His talents were widely recognized by his peers and colleagues alike.

Kevin Bakke began his law enforcement career in 1975 as a trooper in Rapid City, was promoted to squad sergeant in Huron, and then to lieutenant in Aberdeen. Most recently, he has served capably as one of four captains in the South Dakota Highway Patrol.

Captain Bakke's absence will leave a void in the highway patrol, as many will miss his quick smile and skillful leadership. The citizens of South Dakota have been in good hands under Captain Bakke's protection. As he retires from the South Dakota Highway Patrol, I want to commend him for his extraordinary service to the people of our State, and to wish him the best in his new endeavors with the Transportation Security Administration.

#### RECOGNIZING THE NATIONAL CENTER FOR HEALTHY HOUSING'S 10TH ANNIVERSARY

Mr. REED. Mr. President, I rise today to recognize the National Center for Healthy Housing as it celebrates its 10th year of protecting children from residential environmental hazards while preserving the supply of affordable housing.

The National Center for Healthy Housing was founded in 1992 as the National Center for Lead-Safe Housing to address the No. 1 environmental health problem facing our Nation's children, childhood lead poisoning, and the threat that lead paint posed to the preservation of our Nation's affordable housing stock. Since its inception, the center has become our country's preeminent source of technical and practical information on reducing the threat of lead paint hazards in housing. The center was responsible for publishing the first comprehensive technical guidelines for evaluating and controlling lead paint hazards in housing, which are still being used today. The

center conducted a scientific evaluation of 14 projects funded by the Department of Housing and Urban Development, (HUD), Lead-Based Paint Hazard Control Grant program. The evaluation yielded important information about the effectiveness of lead hazard control treatments and the results continue to inform national lead poisoning prevention policy. The center also published a groundbreaking scientific study on the relationship between settled lead dust levels and blood lead levels in children. It was this study that highlighted the insidious nature of the hazardous dust generated from lead-based paint.

Despite its many research accomplishments, the center is perhaps best known for its unique ability to translate scientific research and Government regulations into results. When HUD published its final lead-safe housing regulation 2 years ago, communities expressed concern about the lack of trained personnel to carry out the rule's requirements. In response, the center administered training to over 14,000 individuals across the country, enabling them to perform the lead-related services required by the rule. When local housing programs expressed a need to better understand the rule's requirements and how to incorporate them into the Community Development Block Grant and HOME programs, the center provided training to over 2,000 housing program staff in over 40 communities.

Today, as the National Center for Healthy Housing, the center continues its commitment to childhood lead poisoning prevention and is expanding its expertise to other environmental hazards in the home such as mold, allergens, and other irritants.

As we celebrate the center's 10th anniversary, I would also like to pay tribute to its founding director, Nick Farr. Mr. Farr retired last October after a long and distinguished career in both the public and private sectors. Much of his professional experience was in the areas of housing finance, housing and urban development, and housing-based lead poisoning prevention. A graduate of Yale Law School, Mr. Farr spent the 1950s and early 1960s in private practice. In 1962, Mr. Farr joined the Agency for International Development at the U.S. Department of State as Deputy Assistant Administrator for the Near East and South Asia economic assistance programs. Five years later, President Lyndon Johnson appointed him Director of the Model Cities Administration at the U.S. Department of Housing and Urban Development. In the 1970s, Mr. Farr was a New York University law professor before joining the U.S. Department of Commerce as General Counsel to the Economic Development Administration in 1977. In 1979, Mr. Farr was appointed General Deputy Assistant Secretary for Community Planning and Development at the U.S. Department of Housing and Urban Development. Then in the 1980s,

Mr. Farr was Executive Director of the California Housing Finance Agency, Executive Vice President of the Wells Fargo Mortgage Company in California, and Vice President for Field Services at The Enterprise Foundation. During his tenure with The Enterprise Foundation, Mr. Farr served on the board of directors of a nonprofit housing developer based in Baltimore that focused on creating affordable, lead-safe housing units. As a result of his service on this board and his accumulated professional experience, in 1992, Mr. Farr conceived of, and created, the National Center for Lead-Safe Housing. As the founding director of the center, Mr. Farr helped spearhead a variety of public and private initiatives to protect our Nation's children from residential lead hazard exposures.

I ask my colleagues to join me in saluting Nick Farr's legacy and the profound impact that the National Center for Healthy Housing has had and continues to have on the creation and maintenance of safer and healthier affordable housing for low-income families across our Nation.

#### ON LIBYA'S CHAIRMANSHIP OF THE U.N. HUMAN RIGHTS COMMISSION

Mr. SMITH. Mr. President, I rise today to speak about the selection of Libya this week to head the U.N. Human Rights Commission. Libya's taking the helm of the U.N. Human Rights Commission makes a mockery of that institution and deprives the U.N. and the world at large of credible leadership from that position at a critical time.

It is a well established fact that Libya's totalitarian regime under Muammar al-Qadhafi has had an abysmal human rights record and has been a leading state sponsor of terrorism. The most widely publicized incident was the 1988 bombing of Pan American Airways flight 103 that resulted in 270 deaths. The Iran Libya Sanctions Act, ILSA, was extended until August 2006 due to such support for terrorism, attempts to acquire weapons of mass destruction, and belligerency over territorial claims. I was proud to author the ILSA extension in the last Congress.

The Libyan government must improve its standing in the international community by ceasing support to terrorists and moving towards a more democratic system. Under current circumstances, however, this chairmanship will be sadly devoid of leadership by example. Libya's ascendancy to the chairmanship of the Commission has dealt an appalling blow to the cause of human rights and to the credibility of that U.N. body.

Last week my great friend and colleague, CHUCK SCHUMER, the senior Senator from New York, urged Secretary Powell to do all that he could to prevent this travesty.

I ask unanimous consent to have this letter from Senator SCHUMER and me printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, January 16, 2003.

Hon. COLIN L. POWELL, Secretary of State,  
2201 C Street, NW, Washington, DC.

DEAR SECRETARY POWELL: We were greatly troubled to learn that Libya has been nominated by the African delegation to lead the U.N. Human Rights Commission and stands to potentially assume that key leadership role in a vote at the UN on Monday, January 20. We share the opinion of our respected colleague from the House International Relations Committee that Libya's ascendancy to that position would deal a significant blow to the cause of human rights.

Libya, under Muammar al-Qadhafi, has an abysmal human rights record and has been a leading state sponsor of terrorism. The most widely publicized incident was the 1988 bombing of Pan American Airways flight 103 that resulted in 270 deaths. As you are well aware, the Iran Libya Sanctions Act (ILSA) was extended until August 2006 due to such support for terrorism, attempts to acquire weapons of mass destruction, and belligerency over territorial claims.

We hope that the Libyan government will improve its standing in the international community by ceasing support to terrorists and moving towards a more democratic system. Under current circumstances, however, Libya's taking the helm of the UN Human Rights Commission would make a mockery of that institution and deprive the UN and the world at large of credible leadership on human rights at a critical time.

We believe that your personal leadership may be required to secure an acceptable outcome in the vote next Monday. Toward that end, we urge you to speak out on the human rights situation in Libya and to consider interceding with relevant delegations so that wisdom might prevail.

Thank you for your attention to this matter. We look forward to continuing to work with you, and appreciate your consistent efforts to promote respect for human rights.

Sincerely,

GORDON H. SMITH.  
CHARLES E. SCHUMER.

#### STOLEN FIREARMS, ARMING THE ENEMY

Mr. LEVIN. Mr. President, last month Americans for Gun Safety, an organization which seeks to educate Americans on existing gun laws and new policy options for reducing access to guns by criminals and children, released a report entitled *Stolen Firearms, Arming the Enemy*. This report examines the effect of stolen guns on communities. According to the report, nearly 1.7 million firearms have been reported stolen since 1993. These stolen guns are frequently used later in committing crimes and fuel the black market for guns. Most of the estimated 170,000 guns stolen each year are never recovered.

The accessibility of stolen firearms was earlier highlighted by a 1997 Department of Justice survey of 33,731 state prison inmates. The survey found that nearly 10 percent of the inmates used a stolen firearm to commit the crime that put them in prison.

The Americans for Gun Safety report points to several factors that con-

tribute to a state's firearm theft rate, such as gun ownership rates, overall crime rates, and safe storage laws. The report notes that the eighteen states with safe storage laws had firearm theft rates nearly 30 percent below that of States without safe storage gun laws. Additionally, over the last 10-year period, theft rates declined by at least 47 percent in States with safe storage laws compared to 30 percent in States without such laws.

As the Americans for Gun Safety report illustrates, safe storage laws can help prevent criminals from gaining access to firearms. Federal safe storage laws aimed at protecting children may have the added benefit of preventing gun theft. Last Congress, I cosponsored Senator DURBIN's Children's Firearm Access Prevention Act. Under this bill, adults who fail to lock up loaded firearms or unloaded firearms with ammunition can be held liable if a weapon is taken by a child and used to kill or injure him or herself or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. This bill is similar to legislation President Bush signed into law as Governor of Texas. I believe this is a simple common sense step we can take to reduce gun violence and gun-related crime. I support this bill and I hope the Senate will act on it during this Congress.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 7, 2001 in Mira Mesa, CA. A man of Indian descent was knocked out with a baseball bat in what was described as a hate crime linked to the September 11 backlash. The victim told police he was walking beside the road when he heard someone yell an ethnic slur. He was then hit on the head and knocked unconscious. A woman came to his aid and told him he had been hit by two white males with an aluminum baseball bat. The victim was treated at a local hospital.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

#### AFFIRMATIVE ACTION IN HIGHER EDUCATION

Mr. FEINGOLD. Mr. President, I wish to address the importance of maintaining a commitment to affirmative action in college admissions programs.

President Bush, unfortunately, took our nation a step backward when he announced last week that his administration would file an amicus curiae brief with the Supreme Court opposing the admissions policies of the University of Michigan. The President apparently believes that college admissions decisions should never consider the race of applicants, even though he also says that he supports the pursuit of campus diversity.

In 1978, in *University of California v. Bakke*, the Supreme Court ruled that campus diversity can be a "compelling governmental interest" that justifies reasonable, narrowly tailored affirmative action programs at universities. The Supreme Court said that colleges and universities cannot use quotas to achieve campus diversity, but affirmed that campus diversity can be a worthy goal of college admissions policies. In December 2002, the Supreme Court, for the first time since its *Bakke* decision, agreed to review two cases that challenge a university's affirmative action programs—*Grutter v. Bollinger*, which involves the admissions program at the University of Michigan Law School, and *Gratz v. Bollinger*, which involves the undergraduate admissions program at the University of Michigan.

Some, including President Bush, have criticized affirmative action programs in higher education, like those in place at the University of Michigan, as "quota" programs. They are simply wrong. These affirmative action programs do not set quotas or numerical targets for admitting a certain number of students of a particular race or ethnicity. In fact, the *Bakke* decision long ago prohibited colleges from employing a quota system. So, for President Bush to suggest that this is a question of whether to support a quota system is a mischaracterization of the issue before the Court.

Some critics have also wrongly stated that affirmative action programs admit students primarily on the basis of race. According to the Washington Post, the President stated that the University of Michigan's admissions system selected students "primarily on the basis of the color of their skin." But again, this is simply not an accurate description of the current law or of how students are admitted to the University of Michigan.

Rather, in most affirmative action programs for college or graduate school admissions, race is simply one of numerous factors that can be considered by admissions officers to create a diverse student body. For example, under the University of Michigan's undergraduate admissions policy, the University considers the entire background of the applicant. Students are evaluated on a 150 point scale to determine their fitness for admission. The